

SEPA IWG Conference Call Summary

Friday, May 20, 10:00 a.m. – 12:00 p.m.

In Attendance

Co-Leads:

Jim Lopez	King County
Dick Settle	Foster Pepper
Jeannie Summerhays	Washington Department of Ecology

Members and Alternates:

Jayson Antonoff	City of Seattle, Dept of Planning & Development
Greg Carrington	Chelan PUD
Sean Cryan	Mithun
Hilary Franz	Bainbridge City Council
Mark Kulaas	Douglas County
Dan McGrady	Vulcan
Bill Messenger	Washington Labor Council
John Mohr	Port of Everett
Michael Robinson-Dorn	UW Law School
Kristen Sawin	Weyerhaeuser
Devon Shannon*	Bricklin, Newman, Dold, LLP
Tim Trohimovich	Futurewise
Tayloe Washburn	Foster Pepper
Perry Weinberg	Sound Transit
Clay White	Stevens County
Megan White	Washington Department of Transportation
Jim Wilder	Jones & Stokes

**Alternate for Jennifer Dold, Bricklin, Newman, Dold, LLP*

Absent

Valerie Grigg Devis	Community, Trade, and Economic Development
Kari-lynn Frank	National Association of Industrial and Office Properties
Connie Krueger	City of Leavenworth
T.C. Richmond	GordenDerr Attorneys at Law
David Troutt	Nisqually Tribe

Others:

Tom Beierle	Ross & Associates Environmental Consulting, Ltd.
Patricia Betts	Washington Department of Natural Resources
Susan Drummond	Foster Pepper
Ann Farr	Washington Ports Association
Simon Kihia	Washington Department of Natural Resources
Matt Kuharic	King County
Brendan McFarland	Washington Department of Ecology

Carol Lee Roalkvam
Annie Szvetcz
Mia Waters
Laura Watson

Washington Department of Transportation
Washington Department of Ecology
Washington Department of Transportation
Washington Attorney General's Office

Background Documents

(Available online at http://www.ecy.wa.gov/climatechange/2008CAT_iwg_sepa.htm)

- Agenda
- Draft Work Plans: Buckets #1, #2 and #3
- Summary of Near-Term SEPA IWG Activities

Discussion Items and Key Issues

1. Welcome and Introductions
 - 1.1. John Mohr was introduced to the group as a new member representing the Port of Everett.
 - 1.2. The Co-leads commended SEPA IWG members for their progress since the last meeting and emphasized that many of the items in the workplans are connected to each other.
2. Approach for Prioritizing the Remaining Work
 - 2.1. To begin the discussion of priorities, Jeannie Summerhays presented an overview of Ecology's role and responsibilities and described Ecology's priorities for the SEPA IWG process. Ecology is responsible for providing SEPA training and guidance. In order to provide guidance and tools for government and project proponents on how to address climate change, Ecology has outlined the following priorities for this process given the short timeframe:
 - 2.1.1. Ecology must have guidance for government and project proponents on how to address climate change under SEPA and understand how the current SEPA laws and regulations apply to climate change.
 - 2.1.2. Project and non-project guidance are equally important.
 - 2.1.3. Bucket #1, Measurement and Disclosure, is essential.
 - 2.1.4. A formula or some other easy approach to estimating greenhouse gas emissions is a top priority.
 - 2.1.5. Bucket #2, Mitigation and Adaptation, is very important.
 - 2.1.6. Bucket #3, Leveraging SEPA, is a lower priority with regard to Ecology's goals. Ecology would like to see the bucket #3 items narrowed down to focus on the most important. A status report on this area could be provided by the SEPA IWG in the legislative report.
 - 2.1.7. If the IWG can easily address, in parallel to other issues, the impacts of climate change over time on the environment associated with a project, Ecology would like input. Otherwise, this issue has a lower priority and would come after the work of the other buckets.
 - 2.2. Jeannie commented that the IWG has a lot of work to do and Ecology recognizes that it may not complete everything by the end of the timeframe. The group will work aggressively to complete all three buckets. However, members should be aware that the report to the legislature will include progress made on any items not completed during the process.
 - 2.3. Due to Ecology's roles and responsibilities, Jeannie noted that Ecology's Director Jay Manning, Jeannie, and the agency technical and legal support will periodically provide input throughout

the process. Janice Adair, the Ecology lead on Climate Change, may also have input for the group.

- 2.4. The SEPA IWG will stay informed about the transportation IWG process and GMA process (ESSB 6580). Given the short timeframe, the SEPA IWG should be careful not to take on cap and trade, the fate of which is uncertain at this point, and issues already covered elsewhere.

3. Presentation and Discussion of Work Plans

- 3.1. Bucket 1: Measurement and Disclosure – Annie Szvetcz gave an overview of the Measurement and Disclosure workplan developed by the Bucket 1 drafting team. She identified measurement of greenhouse gas emissions as a priority area of focus for the team, and she said that the group thinks that the IWG should focus on measurement and disclosure of non-projects first.

- 3.1.1. One member commented that one of the priorities of Bucket 1 is to draw a boundary around what defines a project and what portions of a project should be covered in the SEPA process. Another member pointed out that identifying tools for measuring greenhouse gas emissions is also a priority.
- 3.1.2. The group discussed the distinction between non-project versus project proposals and the relative priorities for addressing them. One member suggested that starting with a focus on non-projects would make it easier to develop guidance for projects later.
- 3.1.3. One member asked the group to consider to what extent standards for climate change impacts should be created for proponents to include in their plans. The Bucket 1 team was asked to consider the extent to which information should be provided on future vulnerability impacts to create climate resilient communities. Another member suggested that standards should be defined by geographical area and addressed at the non-project level, as a way to simplify the process at the project level.
- 3.1.4. It was suggested that the group address the issue of funding for assisting jurisdictions with implementation of the recommendations being proposed. The group was asked to keep in mind that smaller jurisdictions would not be able to implement lofty goals without the needed funding or tools.
- 3.1.5. It was suggested that Ecology develop tools for calculating emissions impacts and report periodically on predicted changes in the environment over time. This would address the need for resources and would avoid reinventing the wheel.
- 3.1.6. A member suggested that the group look at exemptions for provisions related to climate change impacts only. If a project meets certain criteria, for example, the proponent would not be required to complete a climate change impact analysis.

- 3.2. Bucket 2: Mitigation and Adaptation – Matt Kuharic presented the Mitigation and Adaptation work plan developed by the Bucket 2 drafting team.

- 3.2.1. A member of the drafting team commented that defining adaptation and how it should be addressed through SEPA is an important near-term issue. The team talked about resources for local governments to assess how a changing climate would affect projects and non-projects. The University of Washington Climate Impacts Group has done work in this area. Another member suggested that the group also look at ESSB 6308, which would have created the position of State Climatologist.
- 3.2.2. The drafting team discussed the need for different guidance and tools for different agencies and proponents, because climate change impacts will differ by area.
- 3.2.3. A member commented that current SEPA rules do not require that lead agencies require mitigation for projects or non-projects. She suggested that the IWG develop a menu of

- options for mitigation and guidance for how mitigation is related to the threshold determination.
- 3.2.4. A member said that the “Mitigated Determination of Non-significance” provides a strong incentive for mitigating project impacts rather than conducting an EIS. He also commented that lead agencies have the authority to require mitigation if they choose to do so, and suggested that the state provide more specific guidance to those agencies on exactly when mitigation is needed.
 - 3.2.5. A member expressed concern that some of the language in the Bucket 2 workplan suggested that policy decisions related to climate change mitigation and adaptation under SEPA had already been made. Another member responded that the work plan only describes questions to consider at this point; it does not pre-suppose any decisions.
 - 3.2.6. A member expressed the hope that as much of the new analysis required under SEPA be done “upstream” by agencies rather than by project proponents.
 - 3.2.7. A member suggested that Section 2.2 of the workplan include both “per-capital GHG emissions” and “total GHG emissions.”
- 3.3. Bucket 3: Leveraging SEPA for Climate Friendly Development – Brendan McFarland presented the Bucket 3 work plan, emphasizing that the drafting team saw “big opportunities for gains” if the IWG could come up with appropriate incentives and disincentives that could be properly applied. He commented that placeholders may be needed for decisions made by the GMA group and Transportation IWG group regarding SEPA.
- 3.3.1. A member suggested that the group take a proactive approach to providing the GMA Committee with suggestions for incentives at the local level. Another member commented that Bucket 3 was one of the more important buckets, and that incentives at the planning stage could accomplish emission reductions in ways that accommodate energy efficiency and dense urban development.
 - 3.3.2. The group discussed the need to understand the progress of the GMA Committee. It was suggested that if the GMA had appropriate requirements for non-project proposals, there was no need to address the same issues through SEPA. A member responded that comprehensive plans and EIS’s will be developed for the long term, but SEPA review is taking place right now; changes to non-project proposals via comprehensive plans will take a long time to implement, and SEPA guidance should be provided in the interim. Another member said that “sub area” plans may be a near-term way to address climate issues through planning.
 - 3.3.3. A member commented that under Section 240 (RCW 43.21C.240), SEPA analysis and mitigation is not required if the same issues are addressed by other federal, state or local requirements.
 - 3.3.4. A member suggested that the IWG look at the State’s schedule for emission reductions and keep the state’s goals in mind in relations to the changes proposed by the IWG.
 - 3.3.5. It was suggested that local governments could adopt ordinances to provide exemptions from SEPA for projects meeting certain LEED or other standards.
4. Near-Term Activities and Assignments – Individual members and drafting teams volunteered to provide information that is needed for near-term activities. See the homework assignment document (Attachment #1).

Next Meeting

The next SEPA IWG meeting will be a face-to-face meeting on July 8th at Foster Pepper in Seattle. It will likely be an all day meeting.

ATTACHMENT #1

SEPA IWG

Homework Assignment from June 20, 2008 Teleconference

Updating Work plans

The three bucket drafting teams will update the work plans to 1) reflect additional decisions or products raised during the IWG discussion on the June 20th conference call 2) add information on priority products and decisions based on the priorities described on the call. (Note: drafting teams can use the forthcoming meeting summary to assist with this work)

Near-Term Decisions for SEPA IWG to Make—

1. What aspects/characteristics of projects and non-projects need to be measured and disclosed for measuring a) climate change impacts from a proposal and b) impacts arising from the combination of a proposal's impacts and its vulnerabilities to predicted climate change impacts?

Assigned to: Bucket #1 Drafting Team (Annie Szvetcz is point person); Kristen Sawin will provide information on how other countries are approaching these issues.

- ▶ Summarize how others (e.g., countries, states, localities) are approaching these issues and describe options for the SEPA IWG to consider. To be presented and discussed at July 8th meeting.

2. What types of projects and non-projects are subject to climate-related measurement and disclosure under SEPA (versus being exempt)?

Assigned to: Bucket #1 Drafting Team (Annie Szvetcz is point person)

- ▶ Summarize how other states and localities are approaching this issue and describe options for the SEPA IWG to consider. To be presented and discussed at July 8th meeting.

3. What will be the approach for threshold determination, including the determination of “significance”? (Note: this will include a consideration of Determination of Significance, Determination of Non-Significance, and Mitigated Determination of Non-significance)

Assigned to: Matt Kuharic (point person), assisted by Jim Wilder, Dick Settle, Hilary Franz and others who may be interested.

- ▶ Summarize how other states and localities are approaching these issues and describe options for the SEPA IWG to consider. To be presented and discussed at July 8 meeting.

Near-Term Information to Collect and Share

1. What tools are available for calculating GHG emissions?

Assigned to: Jim Wilder and Carol Lee Rolkvam, and others who may be interested

- ▶ Research tools and present to SEPA IWG during July 8th SEPA IWG meeting.

2. What tools and resources are available for understanding how the climate is likely to change in Washington State and affect projects/non-projects? (e.g., work of PAWGs, ESA-related analysis; Critical Areas analysis, UW, etc.)

Assigned to: Michael Robinson-Dorn and Carol Lee Rolkvam, and others who may be interested

- ▶ Begin generating list of available tools and resources. May present to SEPA IWG at July 8th meeting depending on progress and time available on agenda.
3. What climate-related mitigation strategies are other states/local governments considering appropriate and acceptable for projects and non-projects? How are they determining the effectiveness of these strategies?

Assigned to: Laura Watson and others who may be interested—especially those involved with Bucket #2.

- ▶ Develop list of mitigation strategies from other states and localities and identify key decisions that IWG will need to make. May be presented to SEPA IWG at July 8th meeting depending on progress and time available on agenda.
4. What are states/local governments doing to provide incentives through SEPA or SEPA-like programs to encourage “climate friendly” projects and non-projects?

Assigned to: Bucket #3 drafting team (Brenden McFarland is point person)

- ▶ Will develop list of incentives from other states/localities. May be presented to SEPA IWG at July 8th meeting depending on progress and time available on agenda.

Near-Term Products

1. Straw proposal/framework document on incentives and disincentives for “leveraging SEPA” (Bucket #3). This document would address the questions (and related sub-questions in the Bucket #3 work plan): “What incentives, if any, should be used and how should they be designed?” and “What exceptions, if any, are needed?” The document would cover:
- Projects and non-projects;
 - GHG emissions impacts only; and
 - The full range of incentives and disincentives, including exemptions, etc.
 - List of ideas or options for discussion by GMA Advisory Committee.

Assigned to: Bucket #3 drafting team (Brenden McFarland is point person)

- ▶ Draft framework may be presented to SEPA IWG at July 8th meeting depending on progress and time available on agenda. This effort will be linked to item #4 under “Near-term Information to Collect and Share” above.